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MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER THOMAS, ALEXANDER S	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/711,979
Filing Date: October 18, 2004
Appellant(s): SCHEIDMANTEL ET AL.

MAILED
MAY 14 2007
GROUP 1700

Michael F. Kelly
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/14/07 appealing from the Office action
mailed 10/23/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct. It is noted that the first paragraph of the summary is directed to independent claim 1 and the second paragraph of the summary is directed to independent claim 37.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

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Claims 21-27 and 37 under 35 USC 112, first paragraph, as failing to comply with the written description. This rejection has been overcome in view of applicants' arguments in the appeal brief.

(7) Claims Appendix

Claims 1, 6, 12, 14 and 37 contain(s) substantial errors as presented in the Appendix to the brief. Accordingly, claims 1, 6, 12, 14 and 37 are correctly written in the Appendix to the Examiner's Answer.

(8) Evidence Relied Upon

4,130,623	WALTER	12-1978
3,802,291	YOUNG et al	4-1974
2003/0168151	WRIGHT et al	9-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 21, 23 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walter. The reference discloses in Figure 5 a cover 12 with simulated stitching comprising a pair of parallel ridges with an indentation formed between the ridges. Concerning claims 21 and 23, the ridges are at least partially rounded as seen in figure 5 and there is a series of indentations between the pair of ridges said indentations being generally parallel to the ridges.

Claims 1-3, 14, 21, 26 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. The reference discloses a vehicular trim component comprising a base, which may be considered any of layers 102, 105 or 103, associated with a cover, namely wedge 106, said cover or wedge having a simulated stitched seam, wherein the simulated seam comprises a pair of rounded ridges 107, 108 with an indentation between the rounded ridges and a pair of simulated lines of stitching 109; see Figures 3 and 4. With respect to claims 14 and 26, the surface of the cover may be grained or textured with patterns; see column 1, lines 44-46.

Claims 1-19, 21-27 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' acknowledged state of the art (hereafter AKA) in view of Wright et al. The primary reference discloses the invention substantially as claimed, namely a molded (i.e. uninterrupted, since the molded trim product is disclosed as being made by injection molding a plastic into a mold and the plastic takes the shape of the mold), simulated leather cover with texturing to simulate leather and a simulated French stitching that closely resembles cut and sew hand wrapped leather trim products with the exception that there is no thread in the parallel seams; see paragraph 6 of the instant specification. Wright et al disclose the use of parallel lines of stitching along the sides of a seam to fully enhance the aesthetic look of the decorative cover; see the Abstract. It would have been obvious to one of ordinary skill in the art to provide the decorative cover disclosed in AKA with lines of parallel real stitching along the simulated French seam in view of the teachings in the secondary reference in order to enhance the aesthetic look of the cover. It would also have been obvious to one of ordinary skill

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in the art to shape the cover into any well-known trim component shape depending on the end use of the cover material (claims 16-19) and to provide the seams at angled junctions on a substrate as shown in prior art Figure 4A (claims 6, 7, 12, 13, 24 and 25). Regarding claims 5, 11 and 23, it would have been obvious to one of ordinary skill in the art to provide the molded simulated seam of the primary reference with any type of shape, such as indentations, which helps simulate a French seam (French seam being defined as a seam as shown in Figure 3 of the instant specification by appellant) in order to provide the desired decorative effect.

(10) Response to Argument

A. Concerning the rejection under 35 USC 112, this rejection has been withdrawn.

B. Concerning the arguments related to the rejection over Walter, the reference discloses all of the claimed structural features, namely a cover 12 comprising a pair of parallel ridges separated by an indentation 13; see Figure 5. Since the reference discloses all of the structural features it anticipates the claims. Appellant argues that, if the Examiner's position were valid, any structure that comprises a pair of ridges and an indentation between the ridges would potentially be anticipated by Walter whether or not it related to a seam. The Examiner agrees with the analysis. Concerning claim 23, appellant argues that Walter does not disclose a series of indentations formed generally parallel to the pair of ridges to simulate a French seam. However, the reference clearly discloses a series of indentations 13 that are generally parallel to the ridges; see Figure 5 and thus discloses all of the claimed structural features of the simulated seam.

C. Concerning the arguments related to the rejection over Young, appellants argue that the cover of Young et al is not an uninterrupted cover as instantly claimed because the wedge and cover are distinct and the seam is not formed in the cover. However, the wedge 106 by itself may be considered a "trim component" as well as an "uninterrupted cover" since it covers a portion of the steering wheel and is of one piece. Appellants also argue how the term "cover" is elucidated in their specification distinguishes it from the "wedge" of the reference. This is not convincing because, even though the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. Concerning the discussion of claim 37, the term "interior" is a relative term depending on how the piece is to be used or viewed and does not provide any structurally distinguishing feature to the claimed article.

D. Regarding the arguments related to the rejection over AKA in view of Wright et al, appellant argues that the Final Rejection failed to clearly identify the alleged acknowledged state of the art. This is clearly not the case because in the first office action the rejection specifically refers to paragraph 6 of the instant specification as disclosing a molded, simulated leather cover with French stitching that closely resembles cut and sew hand wrapped leather trim products with the exception that there is no thread in the parallel seam. Appellant further argues that there is no motivation or reasonable suggestion to combine the references in the rejection. However, the examiner has indeed identified a reason that would have prompted a person of ordinary skill in the art in the trim art field to combine the topstitching line 5 of the Wright et al in the product of AKA. First, both references are related to the same art area, namely simulated trim components that simulate a hand crafted stitched product; see the Abstract and [0003] of Wright and paragraph 6 of the instant specification. And second, Wright teaches that the topstitching line 5 is added to enhance the aesthetic appearance of the decorative cover by making it appear to be hand manufactured; see [0024], [0003], [0004] and [0006]. Therefore, it would have been obvious to one of

ordinary skill in the art to provide topstitching lines as taught by Wright et al on the trim cover of AKA in order to enhance the aesthetic appearance of the simulated seam.

Concerning the arguments related to claims 1, 4, 10 and 37, AKA clearly discloses a pair of stitching lines generally parallel to the aesthetic feature, i.e. the ridges and indentation, because it discloses a molded (i.e.uninterrupted) trim cover having features to resemble French stitching in paragraph 6 of the specification, and French stitching itself is described in paragraph 5 and Figure 3 as including a pair of stitching lines 116.

Concerning claims 2, 3, 5, 11, 21, 22, 23 and 25, appellants argue that there is no disclosure of an cover having ridges and an indentation to simulate a seam in the prior art. However, the prior art Figure 3 in AKA shows a prior art French seam as having rounded ridges separated by an indentation with parallel lines of stitching, i.e. indentations, therefore, it would have been obvious to one of ordinary skill in the art to provide the molded trim cover of the prior art with these features in order to simulate the structure of a French seam.

Concerning claim 6, 7, 12, 13 and 24, both references disclose the desirability of having a seam formed at an intersection of two portions of the trim covers positioned at an angle to one another; see Figure 4 in AKA and Figure 5 of Wright et al.

Concerning claims 8, 9, 14, 15, 26 and 27, AKA clearly suggests texturing the surface of the trim cover with a texture similar to leather in paragraph 6 of the instant specification.

Concerning claims 16-19, these specific claimed shapes were stated to be known-trim components in paragraph 3 of the instant specification. Therefore, it would also have been obvious to one of ordinary skill in the art to shape the prior art cover into any of these well-known trim components depending on the end use of the cover material.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Alexander S. Thomas/

Patent Examiner 1772

Conferees:

Jennifer Kolb-Michener

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Appendix: A

Correct Copy of Claims 1, 6, 12, 14 and 37

1. A vehicular trim component comprising:

a base;

a cover associated with the base, wherein the cover comprises an aesthetic feature integrally formed in an uninterrupted portion of the cover and configured to simulate a seam comprising a pair of stitchings.

6. The vehicular trim component of claim 3 wherein the cover includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, and wherein an intersection area is defined between the first and second surfaces.

12. The vehicular trim component of claim 1 wherein the cover includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, and wherein an intersection area is defined between the first and second surfaces.

14. The vehicular trim component of claim 1 wherein the cover further comprises a texture on an outer surface thereof.

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37. A simulated seam in a molded polymeric item comprising a cover portion, the simulated seam comprising:

a pair of ridges formed in generally parallel fashion along an uninterrupted interior portion of the cover portion; and

an indentation formed between the ridges in the uninterrupted interior portion;

whereby the pair of ridges in cooperation with the indentation therebetween simulates a butt seam.